

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**CELL FILM HOLDINGS, LLC, LHF
PRODUCTIONS, INC., and AUTOMATA
PRODUCTIONS, INC.,**

Plaintiffs,

v.

JENNIFER POWELL,

Defendants.

Case No. 3:16-cv-1440-SB

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on September 25, 2017. ECF 46. Judge Beckerman recommended that Plaintiffs' motion for default judgment be granted and that each Plaintiff be awarded \$750 in statutory damages, for total damages of \$2,250. Judge Beckerman also recommended that the Court enter a permanent injunction enjoining Defendant from infringing on Plaintiffs' motion pictures. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.” No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Beckerman’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.

CONCLUSION

The Court **ADOPTS** Judge Beckerman’s Findings and Recommendation, ECF 46. Plaintiffs’ motion for default judgment (ECF 44) is GRANTED. The Court orders a permanent injunction enjoining Defendant from directly, indirectly, or contributorily infringing on Plaintiffs’ rights, including without limitation by using the internet to reproduce or copy Plaintiffs’ motion pictures *Cell*, *London Has Fallen*, and *Automata*, to distribute them, or to make them available for distribution to the public except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant is further ordered to: (1) pay each Plaintiff statutory

damages of \$750, for total damages of \$2,250; (2) cease all activities infringing on Plaintiffs' rights in their motion pictures *Cell*, *London Has Fallen*, and *Automata*; and (3) destroy all unauthorized copies of those motion pictures in the possession of Defendant.

IT IS SO ORDERED.

DATED this 18th day of October, 2017.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge